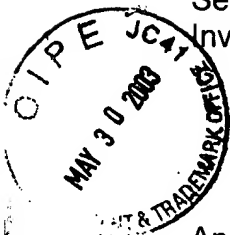


1764

Serial No.: 09/712,075
Inventor(s): David E. Wenstrup

U.S. TO Customer No. 25280
Case No.: 5060



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wenstrup, David E.
Serial Number: 09/712,075
Filed: November 14, 2000
For: Method of Applying Adhesive To Fabric
Group Art Unit: 1764

Examiner: Wachtel, Alexis A.

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RECEIVED
JUN 03 2003
GROUP 1700

Certificate of Mailing Under 37 CFR § 1.8

I hereby certify that this correspondence, and all correspondence referenced herein as being enclosed with this correspondence, is being deposited with the United States Postal Service in an envelope addressed to "Commissioner for Patents, Washington, D.C. 20231" with sufficient postage on the following

Date: May 28, 2003

Signature: Melanie Lucas

Name: Melanie Lucas

RESPONSE TO OFFICE ACTION

Applicant expresses thanks for the time and effort expended by the Examiner in this matter. In response to the Office Action dated March 28, 2003 Applicant submits the following.

The Examiner concedes that the submitted Amendment was sufficient to overcome the section 103 obviousness rejections related to a combination of (1) Souders and Hurwitz, (2) Souders, Hurwitz and Rashid; and (3) Souders, Hurwitz and Houpt.

Furthermore, the Office Action indicates that the previous Amendment was sufficient to overcome the section 112 rejections.

The only remaining issue is a 103 rejection based upon a newly cited reference, as indicated below.

**THE REMAINING ISSUE IS OBVIOUSNESS
AS A COMBINATION OF SOUDERS AND COPPERWHEAT**

The only issue remaining is whether or not claims 1-9 and 11 are properly rejected as a combination of Souders and United States Patent No. 6,008,149 to Copperwheat (the "Copperwheat reference" or "Copperwheat").

In the Office Action, it is further indicated that Souders fails to teach a headliner wherein a cushioning layer is disposed between the cover layer and batting material. Thus, the Office Action expressly acknowledges that there exists missing elements of the invention which cannot be found in the teachings of Souders. Thus, the obviousness rejection seeks to find missing or unrecognized elements of the claimed invention by reference to Copperwheat --- in a combination of Copperwheat with Souders.

COPPERWHEAT IS LEGALLY INSUFFICIENT AS PRIOR ART

The enclosed Declaration effectively removes, as a legal matter, the Copperwheat reference as citable prior art against the present patent application. The Declaration indicates facts showing that Applicant conceived the invention of this application prior to the effective date of Copperwheat, that is, prior to April 6, 1999. This conception was followed by a diligent reduction to practice of the present invention, as indicated in the attached Declaration. Supporting original documents with original signatures and original notary seals are attached.

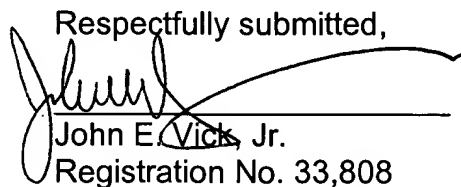
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Pursuant to 37 CFR Section 1.131, prior invention has been established by conception of the invention prior to the effective date of Copperwheat, coupled with due diligence. As suggested by 37 CFR Section 1.131(d), original exhibits of the invention disclosure record are provided herein as part of the permanent record.

Applicant requests a prompt notice of allowance of the pending claims.

In the event that there are additional fees associated with the submission of these papers, Applicant hereby authorizes the Commissioner to withdraw those fees from our Deposit Account No. 04-0500. Also, in the event that additional time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicant hereby petitions for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from our Deposit Account No. 04-0500.

Respectfully submitted,

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